

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 01, 2024**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

In re: Agnes Niczyporuk,  
Debtor.

No. 2:24-CV-00011-SAB

CHURCH OF THE GARDENS; AGNES  
NICZYPORUK; RONALD J.

O'DONNELL,

Appellants,

v.

KEVIN D. O'ROURKE, Chapter 7

Trustee; UST-UNITED STATES

TRUSTEE, SPOKANE,

Appellees.

**ORDER DENYING MOTION  
FOR RECONSIDERATION**

Before the Court is Appellants' Motion For Reconsideration of Order Denying Motion to Transfer Appeals to the United States District Court for the Eastern District of Washington, ECF No. 9. The motion was heard without oral argument. Appellants are represented by Scott E. Stafne.

On February 14, 2024, the Court denied Appellants' Motion to Transfer Appeals to the United States District Court for the Eastern District of Washington, ECF No. 8. Appellants now move the Court to reconsider that decision.

**ORDER DENYING MOTION FOR RECONSIDERATION ~ 1**

### Motion Standard

Motions for reconsideration is “an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (quotation omitted). A motion for reconsideration should not be granted “unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999).

### Analysis

In their motion, Appellants assert that the Court should grant their motion at least until the BAP rules on Appellants’ motion to reconsider its Order denying transfer to this Court. On March 8, 2024, the BAP denied Appellants’ motion to reconsider its denial of the transfer motions. That said, Appellants have not met the standard for granting the motion for reconsideration before this Court as well.

Accordingly, **IT IS HEREBY ORDERED:**

1. Appellants’ Motion For Reconsideration of Order Denying Motion to Transfer Appeals to the United States District Court for the Eastern District of Washington, ECF No. 9, is **DENIED**.

**IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter this Order and provide copies to counsel.

**DATED** this 1st day of April 2024.



A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, with the first name "Stanley" and last name "Bastian" clearly legible.

Stanley A. Bastian  
Chief United States District Judge